

Melissa N. Licker, Esq.  
McCalla Raymer Leibert Pierce, LLC  
99 Wood Avenue, Suite 803  
Iselin, NJ 08830  
Telephone: (732) 902-5399  
NJ\_ECF\_Notices@McCalla.com  
Attorneys for Secured Creditor



Order Filed on January 3, 2019  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

In re:	Chapter 7
Francis D Avella aka Frank Avella,	Case No. 18-30162-VFP
	Hearing Date:
Debtor.	Judge: Vincent F. Papalia

**CONSENT ORDER RESOLVING SECURED CREDITOR'S OBJECTION TO  
MOTION TO EXTEND AUTOMATIC STAY AND DEBTOR'S OBJECTION TO  
MOTION FOR RELIEF FROM AUTOMATIC STAY**

The relief set forth on the following pages, number two (2) through three (3) is hereby

**ORDERED**

**DATED: January 3, 2019**

  
\_\_\_\_\_  
Honorable Vincent F. Papalia  
United States Bankruptcy Judge

Page 2

Debtor: Francis D Avella aka Frank Avella  
Case No.: 18-30162-VFP  
Caption of Order: **CONSENT ORDER RESOLVING SECURED CREDITOR'S  
OBJECTION TO MOTION TO EXTEND AUTOMATIC  
STAY AND DEBTOR'S OBJECTION TO MOTION FOR  
RELIEF FROM AUTOMATIC STAY**

---

THESE MATTERS having been opened to the Court upon the motion of Francis D Avella ("Debtor") seeking to extend the automatic stay and Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10, as serviced by Specialized Loan Servicing, LLC ("Secured Creditor") seeking to vacate the automatic stay with respect to Secured Creditor's first mortgage lien on the property known 4306 Newkirk Ave, North Bergen, NJ 07047 ("Property"), and the Court noting the consent of the parties to the form, substance, and entry of the within Order, and for good cause shown it is hereby

**ORDERED AS FOLLOWS:**

1. Debtor shall immediately remit payment in the amount of \$2,068.00 for the payment due December 1, 2018.
2. Debtor shall continue making monthly payments in the amount of \$2,068.00 no later than the fifteenth (15) day of each month while the automatic stay remain in effect and loss mitigation is pending in the Bankruptcy Court with Secured Creditor.
3. Debtor shall have until March 1, 2019 to complete loss mitigation with Secured Creditor.
4. The automatic stay shall be extended with respect to Secured Creditor while loss mitigation is pending in Bankruptcy Court.
5. The loss mitigation period may be extend by stipulation of Debtor and Secured Creditor to be entered on the bankruptcy docket or by Bankruptcy Court order.

Page 3

Debtor: Francis D Avella aka Frank Avella  
Case No.: 18-30162-VFP  
Caption of Order: **CONSENT ORDER RESOLVING SECURED CREDITOR'S  
OBJECTION TO MOTION TO EXTEND AUTOMATIC  
STAY AND DEBTOR'S OBJECTION TO MOTION FOR  
RELIEF FROM AUTOMATIC STAY**

---

6. Upon default of the above terms, Secured Creditor may submitted a certification of default to the Bankruptcy Court for entry of order vacating the automatic stay with respect Secured Creditor and the Property.

Consent to Form and Entry

McCalla Raymer Leibert Pierce, LLC  
Attorney for the Secured Creditor

By: *[Signature]*

*Melissa M. Linder*

Date: *12/28/2018*

Herbert B. Raymond  
Attorney for the Debtor

By: *[Signature]*

Herbert B. Raymond

Date: *12/28/18*

**Certificate of Notice Page 4 of 4**  
United States Bankruptcy Court  
District of New Jersey

In re:  
Francis D Avella  
Debtor

Case No. 18-30162-VFP  
Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-2

User: admin  
Form ID: pdf903

Page 1 of 1  
Total Noticed: 1

Date Rcvd: Jan 04, 2019

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jan 06, 2019.

db +Francis D Avella, 4306 Newkirk Avenue, Apartment#1, North Bergen, NJ 07047-2710

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
NONE. TOTAL: 0

\*\*\*\*\* BYPASSED RECIPIENTS \*\*\*\*\*

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Jan 06, 2019

Signature: /s/Joseph Speetjens

---

**CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on January 4, 2019 at the address(es) listed below:

Denise E. Carlon on behalf of Creditor Specialized Loan Servicing as Servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Denise E. Carlon on behalf of Creditor Specialized Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Herbert B. Raymond on behalf of Debtor Francis D Avella bankruptcy123@comcast.net, jeff.raymond@comcast.net; raymondmail@comcast.net; carol-raymond@comcast.net; bankruptcyattorneys@comcast.net; herbertraymond@gmail.com; carbonell\_c@hotmail.com; kdelyon.raymond@gmail.com  
Marie-Ann Greenberg magecf@magtrustee.com  
Melissa N. Licker on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 Under the Pooling and Servicing Agreement Dated Se NJ\_ECF\_Notices@McCalla.com  
Melissa N. Licker on behalf of Creditor Specialized Loan Servicing, LLC as servicer for Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10 NJ\_ECF\_Notices@McCalla.com  
Melissa N. Licker on behalf of Creditor Deutsche Bank National Trust Company, as Trustee for IndyMac INDX Mortgage Loan Trust 2004-AR10, Mortgage Pass-Through Certificates, Series 2004-AR10 as serviced by Specialized Loan Servicing, LLC NJ\_ECF\_Notices@McCalla.com  
Sean M. O'Brien on behalf of Creditor The Bank of New York Mellon, f/k/a The Bank of New York, as trustee, on behalf of the holders of the Alternative Loan Trust 2005-62, Mortgage Pass-Through Certificates Series 2005-62 sobrien@flwlaw.com  
U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 9